

REMARKS

Claims 1-68 are pending. Claims 51-68 have been added. Claims 36 and 44 have been amended to correct typographical errors and not for reasons related to patentability.

The Election of Species Requirement asserts that the claims are directed to the following patentably distinct species:

- Group I – Claims 19-35;
- Group II – Claims 36-40; and
- Group III – Claims 41-51.

Applicant agrees with the Office Action's conclusion that these species are not obvious variants of each other. Applicant disagrees, however, that examination and search of all three species would be unduly burdensome. All three species relate generally to imagers comprising optical elements for modifying incident light prior to sensing by pixel cells. Indeed, in a related application, U.S. App. No. 09/990,884 (now U.S. Patent No. 6,738,171), claims directed to three similar species were all examined simultaneously.

Applicant elects Group I, Claims 19-35 and 52-56, with traverse. Applicant traverses the Election of Species Requirement on the grounds that examination and search of all three species would not be unduly burdensome for the reasons stated above and that at least claims 19 and 52 are generic to the claims of Groups I and II.

Application No. 10/814,176
Amendment dated April 28, 2008
Reply to Election of Species Requirement of March 27, 2008

Docket No.: M4065.0825/P825-A

Applicant respectfully requests an Office Action on the merits of all pending claims.

Dated: April 28, 2008

Respectfully submitted,

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